

7000 COMPLIANCE MEASURES

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7100 (U) Introduction

The MTSA regulations rely on existing COTP authority if compliance measures need to be taken. Operational controls are normally exercised as a preventative measure when it is necessary to secure nonconforming vessels or facilities to adequately reduce or prevent risks of injury or damage to vessels or facilities.

The control and compliance measures contained in [33 CFR 101.410](#) provide the COTP with a large degree of flexibility to gain the compliance of both vessels and facilities operating within the zone. Guidance on using controlling measures is contained in [the Marine Safety Manual \(MSM\), Volume I, Chapter 4](#) and should be considered when taking such action. In some cases, a violation may carry both potential civil and criminal penalties. In cases where evidence exists that a major violation has occurred, the matter should be referred to the District Commander in accordance with MSM Vol. I, 4.D.2.d.

33CFR 101.410

- (a) The COTP may exercise authority pursuant to 33 CFR parts 6, 160 and 165, as appropriate, to rectify non-compliance with this subchapter. COTPs or their designees are the officers duly authorized to exercise control and compliance measures under SOLAS Chapter XI-2, Regulation 9, and the ISPS Code (Incorporated by reference, see §101.115).
- (b) Control and compliance measures for vessels not in compliance with this subchapter may include, but are not limited to, one or more of the following:
 - (1) Inspection of the vessel;
 - (2) Delay of the vessel;
 - (3) Detention of the vessel;
 - (4) Restriction of vessel operations;
 - (5) Denial of port entry;
 - (6) Expulsion from port;
 - (7) Lesser administrative and corrective measures; or
 - (8) Suspension or revocation of a security plan approved by the U.S., thereby making that vessel ineligible to operate in, on, or under waters subject to the jurisdiction of the U.S. in accordance with 46 U.S.C. 70103(c)(5).
- (c) Control and compliance measures for facilities not in compliance with this subchapter may include, but are not limited to, one or more of the following:
 - (1) Restrictions on facility access;
 - (2) Conditions on facility operations;
 - (3) Suspension of facility operations;
 - (4) Lesser administrative and corrective measures; or
 - (5) Suspension or revocation of security plan approval, thereby making that facility ineligible to operate in, on, under or adjacent to waters subject to the jurisdiction of the U.S. in accordance with 46 U.S.C. 70103(c)(5).
- (d) Control and compliance measures under this section may be imposed on a vessel when it has called on a facility or at a port that does not maintain adequate security measures to ensure that the level of security to be achieved by this subchapter has not been compromised.

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7200 Reserved

This section is reserved for future development.

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